

AMENDMENT

Amendment #2	Original Contract CMS # 83935	Amendment CMS # 93349
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1. PARTIES

This Amendment to the above-referenced Original Contract (hereinafter called "Price Agreement") is entered into by and between EP Blazer LLC dba John Elway Chevrolet (hereinafter called "Contractor"), and the State of Colorado, acting by and through the Department of Personnel & Administration, State Purchasing Office, (hereinafter called the "State" or "SPO").

2. EFFECTIVE DATE AND ENFORCEABILITY

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the "Effective Date"). The State shall not be liable to pay or reimburse Contractor for any performance hereunder including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

3. FACTUAL RECITALS

A. The Parties entered into a Price Agreement effective October 19, 2015 that authorizes providing 2016 or newer fleet vehicles in the State of Colorado's Price Agreement, number 2016000000000000137.

4. CONSIDERATION

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment.

5. LIMITS OF EFFECT

This Amendment is incorporated by reference into the Price Agreement, and the Price Agreement and all prior Amendments thereto, if any, remain in full force and effect except as specifically modified herein.

6. MODIFICATIONS

The Price Agreement and all prior amendments thereto, if any, are modified as follows:

A. Commencing on the effective date the Exhibit A(2) price list shall be in affect. All references to Exhibit A and Exhibit A(1) shall also reference Exhibit A(2).

B. In accordance with the **Price Agreement, Section 5.C.i**, the State hereby exercises its option for an additional term beginning **10/01/2016** and ending on **09/30/2017** at the same rates and same terms specified in the original Price Agreement and this Amendment, 2016000000000000137.

7. ORDER OF PRECEDENCE

Except for the Special Provisions, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Price Agreement, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Price Agreement or any amendment shall always control other provisions in the Price Agreement or any amendments.

8. AVAILABLE FUNDS

Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

* Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the State is relying on their representations to that effect.

<p>CONTRACTOR EP Blazer LLC dba John Elway Chevrolet By: Mark McMunn Title: Fleet Manager By: <u>Mark McMunn</u> *Signature Date: <u>8-16-16</u></p>	<p>STATE OF COLORADO John W. Hickenlooper, Governor Department of Personnel & Administration State Purchasing Office June Taylor, Executive Director By: <u>Cindy Lombardi</u> Cindy Lombardi, State Purchasing and Contract Director Date: <u>8/18/16</u></p>
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ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Contracts. This Amendment is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performance or for any goods and/or services provided hereunder.

<p>STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: <u>Clark Bolser</u> <input checked="" type="checkbox"/> Clark Bolser, Controller Delegate <input type="checkbox"/> Greg Garner, Controller Delegate <input type="checkbox"/> Floy Jeffares, Controller Delegate <input type="checkbox"/> Joe Weber, Controller Delegate Date: <u>8/25/16</u></p>
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EXHIBIT A(2) – PRICES

Body Code	Body Code Description	Make	Model	Base Price
K7	Pass Util Large 4X4 Patrol Chevrolet Tahoe FFV Std	Chevy	Tahoe	\$42,201